

REMARKS

Claims 2-8 and 11-24 are pending. By this Amendment, claims 23 and 24 are added, and claims 2, 7, 11-14 and 17-22 are amended. No new matter is added by the above amendments. For example, the feature added to claims 2 and 17, that the extraction pattern on the mask is to be superimposed on an image of the first and second measurement pattern images superimposed with each other on a substrate, is described in the specification at, for example, page 24, line 25 – page 27, line 26, which relates to the embodiments illustrated in Figs. 17A-19B.

Claims 2, 3 and 11 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,666,205 to Tateno et al. This rejection is respectfully traversed.

Regarding independent claim 2, Tateno et al. does not disclose or suggest the claimed inspection pattern on a mask having the claimed extraction pattern, in addition to first and second measurement patterns. Tateno et al. has a first pattern P1 and a second pattern P2. The first pattern P1 includes within it patterns TP1-TP4. The second pattern P2 includes within it patterns TP5 and TP6. The images of patterns TP1 and TP2 from the first pattern P1 are superimposed with the image of pattern TP5 of the second pattern P2. Similarly, the images of patterns TP3 and TP4 of the first pattern P1 are superimposed with the image of pattern TP6 of the second pattern P2. There is, however, no disclosure or suggestion of an extraction pattern which is superimposed on the superimposed images of the first and second patterns P1 and P2 as recited in claims 2 and 17. While page 3, lines 4-6 of the Office Action refers to col. 7, line 10 – col. 8, line 45 and Figs. 4A-B of Tateno et al. as allegedly describing an extraction pattern, no extraction pattern is described, suggested, or illustrated in these portions of Tateno et al., or anywhere else in Tateno et al. X

Accordingly, independent claim 2, as well as its dependent claims, are patentable over Tateno et al. Independent claim 17 also is patentable over Tateno et al., alone or combined with Suwa et al. (to be discussed below), because independent claim 17 also recites an

extraction pattern similar to what is recited in independent claim 2. Thus, Applicant respectfully submits that independent claims 2 and 17, as well as their dependent claims, are patentable over the references of record.

Regarding independent claim 11, Applicant respectfully submits that Tateno et al. does not disclose or suggest the claimed first and second line-and-space patterns arranged at different predetermined angles and having different predetermined line widths, as is now recited in independent claim 11. For example, pattern P1 of Tateno et al. is not a line-and-space pattern. While the Office Action referred to Suwa et al. for a teaching of line-and-space patterns (see the last two lines on page 4 of the Office Action), Suwa et al. does not disclose or suggest first and second line-and-space patterns with different line widths, that are arranged at different predetermined angles, and that are arranged on the mask such that their images will be superimposed on each other on a substrate. Accordingly, Applicant respectfully submits that the references of record do not disclose or suggest the combination of features recited in independent claim 11, *inter alia*, first and second line-and-space patterns having different line widths and arranged at different angles such that their images will be superimposed on each other. Thus, Applicant respectfully submits that independent claim 11 and its dependent claims are patentable over the references of record.

Withdrawal of the rejection under 35 U.S.C. §102(b) is requested.

Claims 4-8 and 12-22 stand rejected under 35 U.S.C. §103(a) over Tateno et al. in view of U.S. Patent No. 4,931,830 to Suwa et al. This rejection is respectfully traversed.

As discussed above, Suwa et al. does not provide the deficiencies noted above with respect to independent claims 2 and 17. That is, Suwa et al. does not disclose or suggest the claimed mask having first and second measurement patterns, the images of which are to be superimposed on each other, and an extraction pattern, to be superimposed on the image of the first and second measurement patterns, and that is to be used to extract a predetermined image from the superimposed image of the first and second measurement patterns.

Regarding independent claim 11, as discussed above, Suwa et al. does not disclose or suggest a mask having the claimed first and second line-and-space patterns having different line widths and arranged at different predetermined angles.

Accordingly, Applicant requests that the 35 U.S.C. §103(a) rejection be withdrawn.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Attachments:

Amendment Transmittal
Petition for Extension of Time

Date: May 27, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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